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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,395	12/21/2000	Christopher J. Howard	3936P001D	4122
21127	7590	12/13/2005	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET SUITE 800 BOSTON, MA 02109			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 12/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,395

Applicant(s)

HOWARD ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20,21,23,84,85,87 and 92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,21,23,84,85,87 and 92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to Applicant's response filed on 09/26/2005.
2. Claims 20, 21, 23 and 84-92 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20, 21, 23, 84, 85 and 86-92 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Glogau, Jordan (WO 9825373) in view of Ginter et al (U.S. Pat. No. 5,892,900).**

**As per claims 20, 21, 23 and 86-92 Glogau** substantially discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

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selling (terms and condition) a server security program to a content provider (see., abstract, or selling web sites to authorize user, page 19, lines 3-20, terms and condition);

selling a plurality of copies for a limited-use program to the content provider for licensing to users wishing to access the content (see., abstract, page 5, lines 6-20, page 9, lines 22 and 23, page 10, lines 1-24, page 11, lines 1-20, page 19, lines 3-20).

It is to be noted that Glogau fails to explicitly disclose the step wherein the server security program ( **server security program or SPU of Ginter**) distributes the content to a client system if the client system has a limited-use client program ( **limited-use client program or VDE of Ginter**) and wherein the limited-use client program is a web browser program configured to disable non-ephemeral reproduction functions of the web browser program while the distributed content is detected. However, Ginter discloses a system/method for electronic commerce including secure transaction management and electronic rights protection. A virtual distribution environment (VDE) may be used to protect rights of various participants in electronic commerce. A secure processing unit (SPU) to help provide a high level of security for VDE (see., abstract, col 3-col 118). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Ginter because this would prevent from being illegally viewed or copied to thereby protect its copyright.

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As per claims 84 and 85, Glogau discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

providing network accessible protected content from a source (see., abstract, selling web sites to authorize user (or protected content or protected web sites, page 19, lines 3-20);

authorize downloading of protected content from a source to a client system (see., abstract, specifically wherein it is stated that upon passing the test, the copy protection system grants the end-user a license and enables the end-user to download software that facilitates access);

preventing, in at least one way and until compensation is received non-ephemeral reproduction of the downloaded content by the client system until compensation is received (see., page 5, lines 6-20, specifically wherein it is stated that a licensed or authorized end-user may download site copying software to an associated end-user computer system from the copy protection system server..).

It is to be noted that Glogau fails to explicitly disclose the step wherein the server security program ( **server security program or SPU of Ginter**) distributes the content to a client system if the client system has a limited-use client program ( **limited-use client program or VDE of Ginter**) and wherein the limited-use client program is a web

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browser program configured to disable non-ephemeral reproduction functions of the web browser program while the distributed content is detected. However, Ginter discloses a system/method for electronic commerce including secure transaction management and electronic rights protection. A virtual distribution environment (VDE) may be used to protect rights of various participants in electronic commerce. A secure processing unit (SPU) to help provide a high level of security for VDE (see., abstract, col 3-col 118). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Ginter because this would prevent from being illegally viewed or copied to thereby protect its copyright.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Pierre Eddy Elisca**

**Primary Patent Examiner**

**December 06, 2005**